

**To:** hagler.tom@epa.gov[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Wed 10/29/2014 5:58:56 PM  
**Subject:** Fw: BDCP: Draft Corps letter to DWR on Purpose (UNCLASSIFIED)

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----- Forwarded by Tom Hagler/R9/USEPA/US on 10/29/2014 10:58 AM -----

**From:** Karen Schwinn/R9/USEPA/US  
**To:** "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>,  
**Cc:** Erin Foresman/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>, Tom Hagler/R9/USEPA/US@EPA  
**Date:** 04/30/2012 12:49 PM  
**Subject:** RE: BDCP: Draft Corps letter to DWR on Purpose (UNCLASSIFIED)

Mike -

Perhaps part of our disconnect here is terminology? Regarding the conveyance part of the HCP, my understanding is that the HCP will only have one "alternative" - the proposed project. When you say HCP below, do you mean the EIS for the HCP? (see my red notes below in your note). Even still, I don't know how we can say that, at this point, the DEIS is sufficient - unless you guys have reviewed the DEIS conveyance alternatives and believe they constitute an appropriate range. We aren't there yet. (I'm assuming that the lead agencies are still intending that the current DEIS is project-specific for conveyance.) - Karen

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KAREN SCHWINN  
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From: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>  
To: Karen Schwinn/R9/USEPA/US@EPA  
Cc: Erin Foresman/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>, Tom Hagler/R9/USEPA/US@EPA  
Date: 04/30/2012 11:18 AM  
Subject: RE: BDCP: Draft Corps letter to DWR on Purpose (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Thanks, Karen. Perhaps we could reword that sentence. Our intent is to effectively tier-down from the NEPA EIS purpose/need and the range of alternatives of the HCP's EIS to make decisions on the individual actions requiring permits from the Corps. The message here is that we are not going to make them look at alternatives that outside of or not otherwise covered under the BDCP EIS(i.e., such alternatives would not be practicable under the 404(b)(1)s). It doesn't mean they've completed a NEPA document and their done with 404(b)(1)s at the project level... we're still going to make them look at alternatives that are within take limits of the HCP.

Michael S Jewell  
Chief, Regulatory Division  
US Army Corps of Engineers, Sacramento District

-----Original Message-----

From: Karen Schwinn [mailto:Schwinn.Karen@epamail.epa.gov]  
Sent: Monday, April 30, 2012 10:36 AM  
To: Jewell, Michael S SPK  
Cc: Erin Foresman; Nepstad, Michael G SPK; Tom Hagler  
Subject: Re: BDCP: Draft Corps letter to DWR on Purpose (UNCLASSIFIED)

Mike -

I very much appreciate you sharing this draft letter. I actually don't find it to be innocuous. I have grave concerns about one statement in particular - the last sentence in the third paragraph. I do not believe this is a correct application of 404b1 as you seem to be limiting the LEDPA to only that which is permitted under BDCP, without 404b1 analysis. I'm sure this is not what you intended. I'd be happy to discuss this and/or offer an edit if that would be useful. I'm around all day today. - Karen

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KAREN SCHWINN

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From: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>  
To: Karen Schwinn/R9/USEPA/US@EPA  
Cc: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>, Tom  
Hagler/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA  
Date: 04/30/2012 09:42 AM  
Subject: BDCP: Draft Corps letter to DWR on Purpose (UNCLASSIFIED)

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Classification: UNCLASSIFIED  
Caveats: NONE

Karen:

Just wanted to share our draft letter to DWR, a follow-up to a meeting we recently had. Although pretty innocuous, it provides clarification on program vs. project purpose statements.

We're planning to send the letter this afternoon. Let me know if you have any questions/comments.

Michael S Jewell  
Chief, Regulatory Division  
US Army Corps of Engineers, Sacramento District

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